83-374

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1983

JONATHON EARL LOGAN, APPELLANT

v.

THE SUPREME COURT OF THE STATE OF IOWA;[1]
W. W. REYNOLDSON, in his capacity as
CHIEF JUSTICE OF THE SUPREME COURT OF IOWA;[2]
THE BOARD OF LAW EXAMINERS;
MAURICE B. NIELAND, as chairman of the
IOWA BOARD OF LAW EXAMINERS,
APPELLEES

ON APPEAL FROM THE SUPREME COURT

OF THE STATE OF IOWA

JURISDICTIONAL STATEMENT

Gary A. Robinson
4717 Grand
Des Moines, IA 50312
Attorney for Appellant

QUESTIONS PRESENTED

Whether the construction, interpretation, and application of Code of Iowa (1983) Chapter 610, Appendix, Court Rule 106, by the Iowa Board of Law Examiners as upheld by the Iowa Supreme Court, violates provisions of the United States Constitution, specifically;

1. Whether the construction of Court Rule 106 sufficiently conveys the legal educational requirements necessary for entrance to the Iowa bar examination, as required by the Due Process Clause of the Fourteenth Amendment.

2. Whether the rejection of Appellant's application for entrance to the Iowa bar examination is an arbitrary, capricious, unfair, and unequal application of a state law, restricting Appel-

lant's right to practice law in violation of the Fifth and Fourteenth Amendment provisions guarantying Due Process and Equal Protection.

3. Whether the application of Court Rule 106 by the Iowa Board of Law Examiners and the Iowa Supreme Court, without notice of more stringent requirements than heretofore required, and. without published amendments, violate Appellant's guaranties of Due Process and Equal Protection.

4. Whether the action by the Iowa Board of Law Examiners and the Iowa Supreme Court unduly restricts Appellant's residence in Iowa, and thereby restricts his right to travel, protected by the Equal Protection and Priveleges and Immunities Clauses of the United States Constitution.

5. Whether, by combining with the American Bar Association and the Iowa Board of Law Examiners to restrict entry into the legal profession, the Iowa Supreme Court has violated the restraint of trade provisions of the Sherman Act.

6. Whether, by the failure of the Iowa Supreme Court to give notice and provide an opportunity to be heard as required by Iowa Supreme Court Rule 7(c), Appellant was denied a property right, guaranteed by the procedural aspects of the Due Process Clause of the United States Constitution; and further, whether the Iowa Supreme Court failed to properly assess Appellant's personal qualifications and experience as required by Due Process in rendering their decision to deny entrance

to the Iowa bar examination.

---

1. Supreme Court Justices named in their official capacity: Honorable Harvey Unhlenhopp; Honorable Jerry L. Larson; Honorable Louis W. Schultz; Honorable David K. Harris; Honorable Mark McCormick; Honorable Arthur L. McGiverin; Honorable James H. Carter; Honorable Charles R. Wolle.

2. Members of the Iowa Board of Law Examiners named in their official capacity: James N. Milhone, Vice-Chairman; James D. Bristol; John J. Carlin; Susan Corey; James G. Milani; Joy G. Rohm.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases:

Constitution, Statutes, and Regulations:

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1983

No. _____

JONATHON EARL LOGAN, APPELLANT

v.

THE SUPREME COURT OF THE STATE OF IOWA;[1]
W. W. REYNOLDSON, in his capacity as
CHIEF JUSTICE OF THE SUPREME COURT OF IOWA;
THE IOWA BOARD OF LAW EXAMINERS;[2]
MAURICE B. NIELAND, as chairman of the
IOWA BOARD OF LAW EXAMINERS;
APPELLEES,

ON APPEAL FROM THE SUPREME COURT OF

THE STATE OF IOWA

JURISDICTIONAL STATEMENT

OPINIONS BELOW

The opinion of the Supreme Court of Iowa is not reported. (App. A, infra). The opinion of the Iowa Board of Law Examiners is not reported, (App. B, infra).

JURISDICTION

The decision of the Iowa Board of Law Examiners (App. B) denying Appellant's application for entrance to the Iowa bar examination was entered on April 12, 1983. An Appeal from the final determination by the Iowa Board of Law Examiners was filed May 2, 1983 before the Iowa Supreme Court. On May 16, 1983, the Iowa Supreme Court entered an order (App. A) stating that Appellant's legal education was not in conformity with Iowa Court Rule 106. Appellant claimed a present right to admission to the bar examination and

preeented Federal Constitutional challenges before the Iowa Supreme Court to the construction, interpretation, and application of Court Rule 106. The Iowa Supreme Court, sitting en banc, issued an order validating the application of Court Rule 106 by the Iowa Board of Law Examiners. Said order is a final determination of the Federal Constitutional issues presented and establishes a case and controversy under Article III of the United States Constitution. The jurisdiction of this court is invoked under 28 U.S.C. 1257 (2). *In re Summers*, 325 U.S. 561; *Konigsberg v. State Bar of California*, 353 U.S. 252.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article IV, Sec. 2, Cl. 1 of the United States Constitution provides in pertinent part:

> Section 2. The citizens of each State shall be entitled to all Priveleges and Immunities of Citizens in the several States.

The Fifth Amendment to the United States Constitution provides in pertinent part:

> No person shall be deprived of life, liberty, or property with-due process of law ...;

The Fourteenth Amendment to the United States Constitution provides in pertinent part:

> No State shall make or enforce any law which shall abridge the priveleges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal

protection of the laws.

15 U.S.C. Sec. 1, (The Sherman Act) provides in pertinent part:

> Every contract, combination ... or conspiracy in restraint of trade or commerce ... is declared to be illegal.

Iowa Code Annotated, (1983) Volume 40, Chapter 610, Appendix, Court Rule 106, at page 423 provides in pertinent part:

> No person shall be permitted to take the examination for admission without proof that he has received the degree of L.L.B. or J.D. from a reputable school ...:
>
> A law school fully approved by the American Bar Association ot the Iowa Supreme Court shall be deemed a reputable law school. (Amended by Court Order November 21, 1977).

Code of Iowa (1983) Sec. 553.4 (The Iowa Competition Law) at page 3045 provides in pertinent part:

> A contract, combination, ... or conspiracy shall not restrain or monopolize trade or commerce.

The 1983 Iowa Rules of Court, Supreme Court Rule 7(c) at page 443, provides:

> Notification. If the Supreme Court ... tentatively decides to submit a case without oral argument, the chief justice, or chief judge shall notify the parties of the possibility of non-oral submission and offer them the opportunity to file statements of reasons oral argument is needed and should be granted.

STATEMENT

On March 10, 1983, Appellant Jonathon Earl Logan submitted his application to sit for the Iowa bar examination.[3] In his application, Appellant indicated he had been awarded the degree of Juris Doctor from Western State University College of Law, San Diego, California. At the time of application, Appellant was aware that under Court Rule 106 as was stated at the time of his application, Western State University graduates, including but not limited to, Thomas J. Hanrahan, Don Somerville, Gary A. Robinson,[4] and Nancy

---

3. Appellant was admitted to the State Bar of California and the United States District Court for the Southern District of California on June 3, 1983.

4. Gary A. Robinson is a graduate of Western State University, is admitted to and practicing in Iowa, is admitted to practice before the United States Supreme Court, and is the attorney of record for Appellant in the instant action.

Kelly had been allowed to sit for the Iowa bar examination.

Thus, Appellant, possessing the identical legal educational credentials, submitted his application with full knowledge of the foregoing, and expected the Iowa Board of Law Examiners to act favorably upon his application in accordance with its prior determination. When the Board filed their recommendation of denial of Appellant's application on April 13, 1983, (App.B) Appellant was shocked that the denial stated he failed to demonstrate the requisite legal educational requirements of Rule 106.

An appeal from the final determination of the Board was filed on May 2, 1983 before the Iowa Supreme Court, requesting oral argument as provided by Iowa Supreme Court Rule 7(c). On May 16, 1983, the Iowa Supreme Court entered an order (App. A)

stating that Appellant's legal education was not in conformity with Iowa Court Rule 106, without giving notice that the issue would be decided without oral argument. The constitutionality of Court Rule 106 was before the Iowa Supreme Court. That the court cited Rule 106 as authority for upholding the Board's decision indicates a ruling in favor of its validity, both as constructed and applied.

THE FEDERAL QUESTION IS SUBSTANTIAL

The Iowa Supreme Court has applied Court Rule 106 in such a manner so as to deny Appellant entrance to the Iowa bar examination. As indicated, other applicants possessing the identical legal education credentials has been permitted entrance to the bar examination and are now practicing in Iowa. Western State

University graduates, with a 100 per cent first time pass rate in Iowa, were admitted under Court Rule 106 as it now reads, and it has not been amended to exclude non-ABA approved law school graduates. By failing to follow their own precedent, the Iowa Court erred in denying Appellant's application for admittance to the bar examination. This Court should note probable jurisdiction to review the arbitrary and capricious exercise of power of the State of Iowa's bar admission practices under Court Rule 106.

1. Court Rule 106 as presently stated, permits entrance to the bar examination to applicants who have an L.L.B. or J.D. degree from a reputable law school, or a law school approved by the American Bar Association, or a law school approved by the Iowa Supreme Court. In view of the ruling

in Appellant's case as compared to previous Western State University graduates, the language of Rule 106 does not convey a strict adherence to any standard. "A finding of vagueness will result only where the exaction of obedience to a rule or standard ... was so vague and indefinite as really to be no rule or standard at all." *Reminga v. United States*, 695 F.2d 1000, 1005.

That the Iowa Board of Law Examiners and the Iowa Supreme Court have, in the past, found Western State University to be within the purview of the requisite educational requirements of Court Rule 106, and on this occasion have rejected Appellant's application, citing Rule 106 as authority for that rejection, establishes a clear indication that the statute itself is not couched in terms susceptible of objective measurement, by either the Court or the

the Board. "A civil statute is unconstitutionally vague under the Due Process Clause of the Fourteenth Amendment to the United States Constitution when its language does not convey a sufficiently definite warning of proscribed conduct when measured by common understanding or practice." *Incorporated City of Denison v. Clabaugh*, 306 N.W. 2d 748, 751. Iowa Court Rule 106 does not sufficiently convey a warning that Western State University would not meet the requisite educational requirements, and as measured by the past practice of the Board and the Iowa Supreme Court, Appellant had no warning that his application would be denied. "A statute is void for vagueness which forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application." *Zwicker v. Koota*,

389 U.S. 241. "The legitimate authority of the state to impose reasonable requirements for admission to its bar encompasses the prerogative to make reasonable amendments to such requirements as these become warranted by changing conditions of the profession." *Moity v. Louisiana State Bar Association*, 414 F.Supp. 176. However, in the case of Iowa Court Rule 106, no amendments have been made since November 21, 1977 and all Western State graduates have benn admitted under Rule 106 as it currently is stated.

2. The Iowa Supreme Court has declared Constitutional as applied by the Iowa Board of Law Examiners, a statute under which graduates from Western State University have been permitted entrance to the Iowa bar examination. Appellant is a Western State University graduate whose application

was rejected based on non-compliance with the statute. "A state cannot exclude a person from the practice of law ... in a manner or for reasons that contravene the due process or equal protection clause of the Fourteenth Amendment." *Schware v. Board of Law Examiners of New Mexico*, 353 U.S. 232, 238.

In interpreting the *Schware* standard, *Louis v. Supreme Court of Nevada*, 490 F. Supp. 1174, 1183, stated, "a state can require high standards of qualification ... before it admits an applicant to its bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law. The qualification must not be arbitrary; any reason for preventing a person from practicing law must be valid."

Past Western State graduates have been found capable and fit to practice law in

Iowa, yet Appellant is denied the opportunity to have his qualifications tested by the denial of his application to sit for the Iowa bar examination. "Any restriction on the practice of law must be valid, that is, reasonable and must not be arbitrary." *Hackin v. Lockwood*, 385 U.S. 960. "Typical of the cases in which the epithet 'capricious' may properly be applied are those where an agency has given different treatment to two respondents in identical circumstances." *Westering v. James*, 238 N.W. 2d 695, 703. The recommendation of the Iowa Board of Law Examiners and the subsequent denial of review of that recommendation falls squarely within the definitions of arbitrary, capricious, and unfairness as judged by its past performance in accepting Western State University as a reputable law school, permitting entrance to Iowa's bar examination by its graduates.

"The unequal application of a state law fair on its face may act as a denial of equal protection," *Yick Wo v. Hopkins*, 118 U.S. 356, 373. The essence of equal protection requirements is that "the state treat all those similarly situated similarly," *Zeigler v. Jackson*, 638 F.2d 776, 779. Appellant is in a position similar to others with identical legal educational qualifications. The Board and the Iowa Supreme Court have granted admission to residents of Iowa to its bar examination upon graduation from Western State University. The essence of equal protection requires Appellant's admission to the Iowa bar examination. The Fourteenth Amendment to the United States Constitution provides in pertinent part:

> "No state shall make or enforce any law which shall ... deny to any person within its jurisdiction the equal protection of the laws."

If the Iowa Supreme Court were to interpret its admission to the bar examination of past Western State graduates as a waiver of the requirements of Court Rule 106, such denial of admission to Appellant is violative of his Constitutional rights under the Fifth and Fourteenth Amendment provisions guarantying due process and equal protection. "Where waivers of a rule are not granted with consistency and no explanation is given for the disparity of treatment, a finding of denial of equal protection may be appropriate." *Zeigler v. Jackson*, 638 F.2d 776,780. When passing upon the constitutionality of the application of waivers to Nevada's ABA requirement the Court in *Louis v. Supreme Court of Nevada*, 490 F. Supp. 1174, 1183 stated;

> "It is quite clear that there would be danger to the public if the legal profession were not required to assure that lawyers have moral integrity

and professional competence. However, a state's power to license persons engaged in such a profession is not the power to create a priveleged class by means of arbitrary tests that exclude competent and fit persons. *Keenan v. Board of Law Examiners of the State of North Carolina*, 317 F.Supp. 1350. The practice of law is not a matter of the state's grace or favor. For those who possess the necessary qualifications it is a right. *Petition of Schaengold*, 83 Nev. 65, 422 P.2d 686 (1967); *Baird v. State Bar of Arizona*, 401 U.S. 1, 91 S.Ct. 702, 27 L.Ed.2d 639 (1971). The fact that the Nevada Supreme Court has historically reserved to itself the right to waive the Rule 51(3) qualification is an indication that failure of an applicant to have received a degree from an ABA approved law school is not necessarily dangerous to the public. See *Yick Wo v. Hopkins*, 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed.220 (1886).

Appellant has demonstrated that he possesses the necessary qualifications under Rule 106, both as currently stated

and as previously applied, and therefore requests entrance to the Iowa bar examination as a matter of right. The action of denial by the Board of Law Examiners and affirmance of that denial by the Iowa Supreme Court is so serious an interference with the right now under consideration and is so disturbing of equality that the action must be deemed arbitrary, capricious, and without rational basis, in violation of Constitutional mandates. "No greater burdens should be laid upon one than are laid upon the other." *Yick Wo v. Hopkins*, 118 U.S. 356.

3. The "ABA only" requirement has been upheld in those states having admission rules specifically requiring graduation from an ABA approved law school. (See *Santos v. Alaska Bar Assoc.*, 618 F.2d 575; *Ronwin v. State Bar of Arizona*, 686 F.2d

692). However, such is not the case with the Iowa Rule upon which the Board and Court place their reliance in the denial of Appellant's application. Court Rule 106 as it currently reads and has been applied, does not require graduation from an ABA approved institution. In fact, other non-ABA approved law school have graduates practicing in Iowa. (Specifically, San Fernando Valley College of Law).

Should Iowa now decide to "close the door" to graduates of Western State University, such could not Constitutionally be accomplished under the current wording of Court Rule 106. "Where more stringent requirements are imposed to obtain a professional license, some sort of "grandfather provision" is required by due process." *Berger v. Board of Psychologist Examiners*, 521 F.2d 1056. In *Louis v. Supreme Court of Nevada*, 490 F.Supp. 1174, 1184, the Federal Court

emphasized Nevada's four year advance notice before the ABA educational requirement was to take effect. The Court stated that the provision was meant to prevent hardship on those applicants who had geared their educational programs to the then existing conditions. Appellant's attendance at Western State University was from 1977 to 1981. During that time, five (5) Western State graduates were permitted entrance to the Iowa bar examination. In reliance upon this practice, Appellant had no reservations about moving his family to Sioux City, Iowa, when his wife was offered an associate attorney's position in a Sioux City law firm. To deny Appellant's request to sit for the Iowa bar examination would frustrate the purpose of his legal education and force a choice between his family, residence, and community relationships or his chosen profession. This would, in

effect, end Appellant's legal career before his qualifications ever had an opportunity to be tested in Iowa.

In *Ralston v. Turner*, 4 N.W. 2d 302, 311, the Nebraska court upheld more stringent requirements for admission to the bar examination where they were published (3) three years prior to the date they were to take effect, and (1) one year prior to petitioner's commencement of law study. In that case, the petitioner knew before his study of law commenced that his legal education would not permit his entrance to the Nebraska bar examination. A similar situation and result is presented in *In re Petition of Douglas P. Busch*, 313 N.W. 2d 419. The Minnesota Court would not permit (20) twenty graduates of the Butler University School of Law entrance to its bar examination. Here again, the students knew in advance of their commencement of

legal studies that their education would not permit them entrance to the Minnesota bar examination. They had received no indication by either notice or past practice of the Minnesota Court that any graduate of Butler University had ever qualified for admission to the Minnesota Bar. In Appellant's case, however, Western State graduates were permitted entrance to the Iowa bar examination during the years Appellant attended law school, and more stringent requirements have yet to be published or announced. This is an express indication that a Western State graduate is entitled to admission to the Iowa Bar under current Iowa Court Rules. Such denial of Appellant's entrance to the bar examination violates the protections of Due Process and Equal Protection under the Fourteenth Amendment.

4. The Iowa Supreme Court's arbitrary denial of Appellant's entrance to the bar examination unreasonably restricts his residing in and practicing his chosen profession in Iowa. "The right of Federal citizenship as reflected in the 'right to travel' carries with it the right to practice one's profession." *Lane v. West Virginia Board of Law Examiners*, 295 S.E. 2d 670. Such a restriction upon Appellant is in contravention of his constitutional "right to travel" under the Equal Protection and Priveleges and Immunites Clauses of the Fourteenth Amendment, and Article IV Section 2, of the United States Constitution. Where the application of such a regulation impacts adversely upon a "fundamental right" the state must show a compelling state interest for its application.

"The Constitutional right to travel from one state to another occupies a

position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized." *Shapiro v. Thompson*, 394 U.S. 618. "The only Constitutionally permissible state objective in licensing attorneys is to assure that the applicant is capable and fit to practice law." *Louis v. Supreme Court of Nevada*, 490 F.Supp. 1174, 1183. While the State of Iowa has an interest in assuring that its attorneys are well qualified, Western State University graduates practicing in Iowa have proven "capable and fit to practice law."

Where prior Western State graduates were permitted entrance to the bar examination, and Appellant relocated to Iowa with his family in reliance thereon, the subsequent denial of Appellant's application amounts to the placing of a condition upon his travel to and continued residence in Iowa

that he never practice his chosen profession; while others possessing identical legal educational qualifications are not so penalized. Such an unreasonable and arbitrary application of the regulation of the practice of law in Iowa manifestly subjects Appellant to disparate treatment in violation of constitutional mandates, by the discriminatory denial of the opportunity to demonstrate sufficient proficiency in the law as a prerequisite to practice. Such interpretation of the Iowa Court Rule as applied to Appellant is invalid, in that it violates the Priveleges and Immunities Clauses of Article IV, Section 2 and the Fourteenth Amendment to the United States Constitution.

5. Should Court Rule 106 be interpreted to equate only law schools fully approved by the American Bar Association as being

acceptable, such interpretation is invalid and violates Federal anti-trust laws in that there exists a combination in restraint to trade and an attempt to monopolize admission to the Iowa State Bar. The Sherman Act, Section 1, (15 U.S.C. Section 1) provides in pertinent part:

> "Every contract, combination ... or conspiracy in restraint of trade or commerce ... is declared to be illegal."

The Iowa Competition Law (Section 553.4 provides in pertinent part:

> "A contract, combination, or or conspiracy ... shall not restrain or monopolize trade or commerce."

In 1897 the Supreme Court held that every restraint of trade was unlawful under the Sherman Act, Section 1, *U.S. v. Trans-Missouri Freight Lines Association*, 166 U.S. 290. The Iowa Supreme Court, the Iowa Board of Law Examiners and the American Bar Association have combined to

restrain and monopolize the practice of law in the state by restricting entry into the profession and limiting the number of lawyers through this most recent application of Court Rule 106. In 1911, the United States Supreme Court qualified that holding so that restraints of trade were examined under a "rule of reason" to determine if they violated the Sherman Act. *U.S. v. Standard Oil Co.*, 221 U.S. 1. The Court in *Standard Oil* however, foreshadowed the formulation of per se offenses by further holding that certain restraints could conclusively presumed to be illegal without an examination of the reasoning behind them. The Iowa Court's action is not within the scope of its authority in the furtherance of any declared governmental policy or legislative scheme, in that it has delegated its responsibility to the American Bar Association, a private entity. The

policy regarding educational requisites is not actively supervised by the state itself. Therefore, the Board and the Court acted outside the scope of the legislative directives. There is no reason for the Iowa Court and Board of Law Examiners' delegation of its responsibilities, and such action results in a restraint of trade and an attempt to monopolize admissions to the Iowa State Bar.

6. Appellant was denied the Due Process of law as required by the Fifth Amendment to the United States Constitution requiring notice and opportunity to be heard. Iowa Supreme Court Rule 7(c) states in pertinent part:

> Notification. If the supreme court ... tentatively decides to submit a case without oral argument, the chief justice or chief judge shall notify the parties of the possibility of non-oral submission and offer

them the opportunity to file statements of reasons oral argument is needed and should be granted.

Appellant filed his petition for relief with the Iowa Supreme Court on May 2, 1983. The Supreme Court issued an order denying relief on May 17, 1983, without either benefit of oral argument or notification that the case would be decided without oral argument as required by Iowa Supreme Court Rule 7(c). "The right to practice law is a valuable property right which can be denied only by due process of law." *Reese v. Board of Commissioners of Alabama State Bar*, 379 So. 2d 564.

"Requirements of procedural due process must be met before a state can exclude a person from practicing law." *Willner v. Committee on Character and Fitness*, 373 U.S. 96. Appellant's petition before the Iowa Supreme Court specifically requested

oral argument under Rule 7(c); the denial of which, without notice or opportunity to be heard, abrogated the requirements of due process.

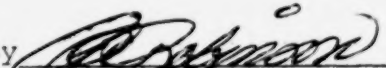
Due process additionally requires the careful consideration of evidence brought before the court which would reflect upon an applicant's ability to practice law. Appellant provided letters of recommendation from San Diego Superior Court Judge William L. Todd Jr. (App. C); Western State University Professor of Law Moise E. Berger, (App. D); and Attorney Charles R. Grebing, (App. E). As Honor Graduate of the San Diego County Sheriff's Department 43rd training academy and through (9) nine years of law enforcement experience, Appellant was able to apply the law to situations beyond the onstructional setting. Further, as a highly decorated United States Army veteran Viet Nam helicopter pilot, Appellant

evidences character, maturity, and a commitment to the good of society not found in the average bar examination candidate. It is undisputed that a state has a constitutionally permissable and substantial interest in determining whether an applicant (for admission to membership in its professional bar) possesses the character and general fitness requisite for an attorney and counselor-at-law. *Law Students Research Council v. Wadmond*, 401 U.S. 154, 159. An examination of Appellant's education, training, and experience would certainly satisfy Iowa's substantial interest in maintaining a professional bar.

CONCLUSION

If the question presented before the Court is not resolved, the Iowa Supreme Court could continue its arbitrary and discriminatory practice of admissions to

its bar. The failure to assess the merits of this case may be interpreted to condone the action of the Iowa Court. The question presented by this appeal are substantial and of great importance. Therefore, it is respectfully submitted that probable jurisdiction should be noted to permit Appellant entrance to the January 1984 administration of the Iowa bar examination.

By 

Gary A. Robinson, Attorney for
Jonathon E. Logan, Appellant
4717 Grand
Des Moines, IA 50312

(Text of order, not an original)

IN THE SUPREME COURT OF IOWA

JONATHON EARL LOGAN,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	ORDER
IOWA BOARD OF LAW EXAMINERS,	)	
	)	
Respondents.	)	
	)	

This matter comes before the court on Jonathon Earl Logan's petition for review of the denial by the Iowa Board of Law Examiners of his application to take the Iowa Bar Examination.

After consideration, en banc, this court finds petitioner has failed to show that Western State University College of Law, San Diego, California, should be deemed a "reputable" law school under Iowa Supreme Court Rule 106.

It is ordered that the petition for review is denied.

Done this 16th day of May, 1983.

/s/ W.W. Reynoldson, Chief Justice

(Text of order, not an original)

BEFORE THE IOWA BOARD OF LAW EXAMINERS

IN THE MATTER OF THE APPLICATION OF

JONATHON EARL LOGAN FOR PERMISSION

TO TAKE THE IOWA BAR EXAMINATION

RECOMMENDATION OF DENIAL

TO: The Supreme Court
Mr. Chief Justice and Justices

The Iowa Board of Law Examiners has considered the application and other material furnished by Jonathon Earl Logan in his application to write the June, 1983, Iowa State Bar Examination.

Pursuant to Court Rules 100 and 106, the Board finds that the applicant has failed to demonstrate the requisite educational requirements of Court Rule 106. The Iowa Board of Law Examinaers recommends that Jonathon Earl Logan be denied permission to take the Iowa Bar Examination.

Jonathon Earl Logan is now advised

that this action is a final determination of the Iowa Board of Law Examiners under Court Rule 117.1. Subject to the provisions of Court Rule 117.1(2), the clerk of the Iowa Supreme Court is requested to remove the applicant's name from the roll of persons authorized to take the Iowa Bar Examination.

Done this 12th day of April, 1983.

IOWA BOARD OF LAW EXAMINERS

By:

/s/ Maurice B. Nieland
Chairman

(Text of Document, not an original)

Iowa Board of Law Examiners
Clerk of the Iowa Supreme Court
State Capitol Building
Des Moines, IA 50319

Attn: John Bruntz, Deputy Clerk

Re: Jonathon E. Logan

Gentlemen:

I am pleased to recommend Jonathon E. Logan as an applicant for the Iowa State Bar. Mr. Logan served as my bailiff when I served as Supervising Judge of the Juvenile Court here in San Diego. I also was able to help him obtain employment as a paralegal assisting my former partners here in San Diego. He is a young man of impeccable character and would make a fine member of the Iowa State Bar in my opinion. I recommend him wholeheartedly.

Yours very truly,

/s/ William L. Todd Jr.

(Text of Document, not an original)

May 19, 1983

The Iowa Supreme Court
State Capital
Des Moines, Iowa 50319

RE: Petition of Jonathon E. Logan v.
Iowa Board of Law Examiners

Gentlemen:

Mr. Logan has asked me to write to you outlining his accomplishments in my class and in support of his petition.

Mr. Logan attended my California Evidence Practice class during the summer semester of 1980. He was an excellent student and in fact was awarded special credit for extra class participation in a classroom trial demonstration. He would be a dedicated, conscientious member of the Bar if admitted to practice in Iowa. If you have any questions please do not hesitate to contact me.

Sincerely yours,

/s/ Moise Berger
Professor of Law

(Text of Document, not an original)

R.K. Richardson
Clerk of the Supreme Court
State of Iowa
State Capitol Building
Des Moines, Iowa 50319

Dear Sir:

It is my understanding that Jonathon Earl Logan has applied to your Court for admission to the State Bar of Iowa. The purpose of this letter would be to advise you of Mr. Logan's background experience, at least as it relates to time which he spent in our office.

Mr. Logan was hired as a legal assistant and paralegal in May of 1982. From that time until December of 1982, he worked principally for me assisting in various tasks, duties and functions relating to the practice of law. His duties and assignments included preparation of complaints and cross-complaints dealing with claims for personal injury, property damage, indemnity and declaratory relief actions dealing with coverage issues. He was also responsible for preparation of some answers and affirmative defenses dealing with technical matters concerning both real property problems and coverage problems. He prepared motions to consolidate, motions for summary judgment as well as opposition thereto, demurrers and oppositions to demurrer. Also while working in this office, he prepared motions to confirm good faith settlement for hearing by our local Superior Courts.

He prepared extensive discovery proceedings, including interrogatories to adverse parties, requests for admissions coupled with interrogatories and answers to interrogatories which

had been directed to our clients. He prepared motions compelling additional answers to interrogatories and opposition to said motions.

During the period of time he spent with our office under guidance and supervision of an attorney, he attended depositions of parties and witnesses to various actions. He was responsible for client contact and interviewing of clients, with respect to basic information, either for purposes of initial pleadings or in response to answers to interrogatories. His work has also included preparation and gathering of preliminary trial information, as well as assimilation of extensive information both in the way of medical records, earnings records and basic discovery information. He has attended and reported on court proceedings and hearings dealing with motions which have been prepared or opposed.

During the time that Mr. Logan has been employed by this firm, he has evidenced the highest degree of professionalism. He has been a trusted employee who has been assigned tasks dealing with sensitive and confidential information. His work has been exemplary and some of the results are directly attributable to the outstanding research and investigation dealing with the subjects and tasks assigned. In my opinion, Mr. Logan has demonstrated those skills, knowledge of law and trustworthiness which would cause me to recommend him to be accepted as a member of any state bar. I highly recommend him to you.

If any additional information is needed, please do not hesitate to contact the undersigned.

Very truly yours,

/s/
Charles R. Grebing

IN THE SUPREME COURT OF THE STATE OF IOWA

JONATHON EARL LOGAN;

Appellant,

vs.

No._____

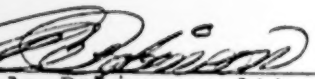
THE SUPREME COURT OF THE STATE OF IOWA; W.W. REYNOLDSON, in his capacity as CHIEF JUSTICE; THE IOWA BOARD OF LAW EXAMINERS; MAURICE B. NIELAND, as chairman of the BOARD OF LAW EXAMINERS;

Appellees,

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

NOTICE IS HEREBY GIVEN, that JONATHON EARL LOGAN, the appellant named above, hereby appeals to the Supreme Court of the United States from the final judgment of the Supreme Court of the State of Iowa, denying the petition for review from a final determination by the Iowa Board of Law Examiners entered May 16th, 1983.

This appeal is pursuant to 28 U.S.C. Section 1257 (2).

By 

Gary A. Robinson, Attorney
for Jonathon Earl Logan
4717 Grand
Des Moines, IA 50312

PROOF OF SERVICE

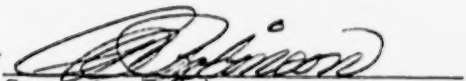
I, Gary A. Robinson, counsel of record for Jonathon Earl Logan, and a member of the Bar of the Supreme Court of the United States, hereby certify that, on the 15th day of July, 1983, I served three copies of the Notice of Appeal on each of the several parties thereto, as follows:

1. On the Supreme Court of the State of Iowa and W.W. Reynoldson, Chief Justice, by delivering three copies to K. R. Richardson, Clerk of the Supreme Court of the State of Iowa, at the Iowa State Capital Building, Des Moines, Iowa.

2. On the Iowa Board of Law Examiners and Maurice B. Nieland, Chairman of the Board of Law Examiners, by depositing three copies thereof in a duly addressed evelope with first class postage in the United States mail on the 15th day of July, 1983, addressed to

Maurice B. Nieland, Chairman of the Iowa Board of Law Examiners, at the following address:

300 Toy National Bank Building
Sioux City, IA 51101

By 
Gary A. Robinson, Attorney
for Jonathon Earl Logan
4717 Grand
Des Moines, IA 50312

[THIS PAGE INTENTIONALLY LEFT BLANK]